

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                               |   |                            |
|-------------------------------|---|----------------------------|
| THE UNITED STATES OF AMERICA, | ) |                            |
|                               | ) |                            |
| Plaintiff,                    | ) |                            |
|                               | ) |                            |
| v.                            | ) | Case No. 4:11-cv-00504 HEA |
|                               | ) |                            |
| MASK OF KA-NEFER-NEFER,       | ) |                            |
|                               | ) |                            |
| Defendant.                    | ) |                            |

**THE UNITED STATES' MEMORANDUM IN RESPONSE TO  
THE MUSEUM'S SECOND MOTION FOR EXTENSION OF TIME TO FILE  
MOTION FOR ATTORNEYS' FEES, COSTS, AND POST-JUDGMENT INTEREST**

COMES NOW the United States of America, by and through its counsel, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Richard E. Finneran, Assistant United States Attorney for said district, and for its response to the Museum's Second Motion for Extension of Time to File Motion for Attorneys' Fees, Costs, and Post-Judgment Interest states as follows:

1. On June 30, 2014, the Museum filed its first Motion for Extension of Time to File Motion for Attorneys' Fees, Costs, and Post-Judgment Interest (Doc. #67), in which it requested until July 31, 2014 in which to file a motion seeking its fees and costs under the Civil Asset Forfeiture Reform Act (CAFRA), 28 U.S.C. § 2465.

2. On July 2, 2014, the Court granted the Museum's motion (Doc. #68).

3. On July 7, 2014, the United States filed a motion to vacate the Court's July 2 order, arguing that the Museum was not entitled to the requested extension under Federal Rule of Civil Procedure 6(b) (Doc. #69).

4. After receiving full briefing from the parties, the Court denied the United States' motion on July 22, 2014 (Doc. #73).

5. On July 23, 2014, counsel for the United States contacted counsel for the Museum in order to determine, in light of the Court's order, whether the parties might be able to come to any agreement as to the amount of fees and costs chargeable in this action. Counsel for the Museum indicated in that conversation that he would seek an additional extension of time in order to permit the parties to discuss the matter before the Museum submitted its application for fees and costs to the Court. Counsel for the United States informed counsel for the Museum that, in order to preserve its objection to the timeliness of the Museum's forthcoming motion for fees and costs, the United States would have to oppose the Museum's Second Motion for Extension of Time.

6. Recognizing, however, the impact of this Court's July 22, 2014 order, the United States will not restate arguments the Court has already rejected. Instead, it incorporates its prior filings in opposition to the Museum's receiving any such extension of time. *See* Doc. ## 69, 70, and 72.

7. If the Court grants the Museum's Second Motion for Extension of Time over the United States' continuing objection, the United States intends to consult in good faith with the Museum in order to identify any items of fees and costs on which the parties are in agreement.

8. The United States reserves the right to oppose the Museum's forthcoming motion for fees and costs on the basis of its being untimely and any other ground.

Dated: July 28, 2014

Respectfully submitted,

RICHARD G. CALLAHAN  
United States Attorney

/s/ Richard E. Finneran  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 28, 2014 the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

s/ Richard E. Finneran  
RICHARD E. FINNERAN, #60768MO  
Assistant United States Attorney